

## **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1, 9, 10, 11, 23, 28 and 33 have been amended to further specify the invention. Claims 25-27 have been cancelled. Support for all additions and amendments may be found throughout the specification. No new matter has been added, as a result of this amendment.

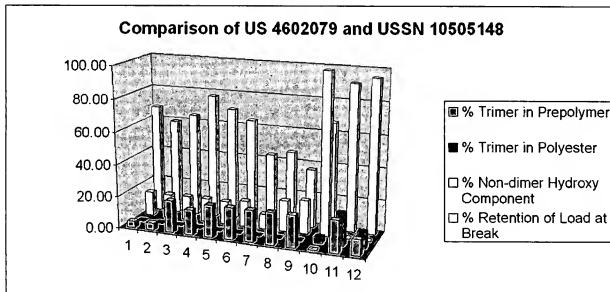
With regard to the Examiner's point concerning Double Patenting, Applicants note that Claim 1 has been amended and Claims 25-27 have been cancelled.

Claims 1 and 3-42 have been rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 4,602,079 to Vinches *et al.* ("Vinches") in view of U.S. Patent 5,840,782 to Limerkens *et al.* ("Limerkens").

Applicants repeat all the arguments of record. Specifically, as noted in the amendment filed on February 8, 2007, although Vinches notes that "a mixture of one (or more) polyester resin(s)" can be used to form the hydroxy compound (see col. 5, lines 42-44), Vinches in no way suggests (i) using a single polyester to form the hydroxy compound, (ii) specifically using, as the single polyester, a polyester that is formed from dimer fatty acid and/or dimer fatty diol having a trimer content between 5 and 15 wt.%, and (iii) to produce a microcellular polyurethane foam having the unexpectedly superior properties associated with the present invention (e.g., the ability to retain at least 40% of its initial tensile strength after being subjected to hydrolysis for 2 weeks).

Furthermore, the amendments to the claims clarify the present invention as being directed to microcellular polyurethane foams (as well as to processes for forming a microcellular foam and a shoe sole comprising microcellular polyurethane foam) that are obtained by reacting: (i) an isocyanate-terminated prepolymer obtained by reacting a polyisocyanate with a polyester formed from a dimer fatty acid and/or dimer fatty diol; (ii) a hydroxy compound consisting of polyester formed from a dimer fatty acid and/or dimer fatty diol; and (iii) a chain extender composition.

As illustrated in the chart below, comparing the Examples 1-10 of Vinches with Examples 1 and 2 (numbered 11 and 12, respectively in chart) of the present application, Superior Retention of Load at Break results are achieved by the Examples in accordance with the present invention. Specifically, the microcellular polyurethane foam formed from hydroxy compounds consisting of a single polyester (formed itself from a dimer fatty acid or dimer diol) are not only not obvious from the cited art but also provide unexpectedly better performance.




Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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